

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**CRAIN COMMUNICATIONS,
INC., et al.**

Plaintiffs,

CIVIL ACTION NO. 06-CV-12335-DT

VS.

DISTRICT JUDGE ARTHUR J. TARNOW

**MAGAZINE BILLING,
SERVICES, INC., et al.,
Defendants.**

MAGISTRATE JUDGE MONA K. MAJZOUB

OPINION AND ORDER DENYING MOTION FOR RECONSIDERATION

This matter comes before the Court on the Motion by Third Party Witnesses for Reconsideration of the Order Further Extending the Discovery Cutoff Date filed on October 21, 2008. (Docket no. 76). No response or hearing is required. E.D. Mich. LR 7.1(g)(2). The motion was referred to the undersigned for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket no. 77). The matter is now ready for ruling.

Plaintiffs are publishers of AutoWeek Magazine. Defendants are fourteen corporations and their principals and employees who sell subscriptions to magazines. The Moving Third Party Witnesses move for reconsideration of Judge Tarnow's Order extending the discovery period in this action until December 31, 2008. (Docket no. 75). Judge Tarnow's Order was entered on October 3, 2008. The Moving Third Party Witnesses complain that the Order was entered prematurely only three days after Plaintiffs' motion was served and that, because no party had an opportunity to be heard, there was a palpable defect in the Order which misled the Moving Third Party Witnesses. (Docket no. 76 at 15).

Pursuant to E.D. Mich. LR 7.1(g) the movant must demonstrate a palpable defect by which the court and the parties have been misled and show that correcting the defect will result in a different disposition of the case. The Moving Third Party Witnesses attempt to show that Plaintiffs' motion to extend discovery should have been denied. (Docket no. 76).

The Moving Third Party Witnesses have failed to show that there was a palpable defect in the Order by which the court and parties were misled and that correcting the defect will result in a different disposition of the case. The motion for reconsideration will therefore be denied.

IT IS THEREFORE ORDERED that the Moving Third Party Witnesses' Motion for Reconsideration (docket no. 76) is **DENIED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: November 18, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Counsel of Record on this date.

Dated: November 18, 2008

s/ Lisa C. Bartlett
Courtroom Deputy